



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2682  
[www.raleighnc.gov](http://www.raleighnc.gov)

**Case File:** A-120-17

**Property Address:** 4509 Creedmoor Road

**Property Owner:** East West Partners Management Company, Inc.

**Project Contact:** Michael Birch

**Nature of Case:** A request for a 5' variance to the building height maximum of 90' set forth in Section 3.3.2.A of the Unified Development Ordinance, a 1' variance to the maximum parapet wall encroachment of 7' set forth in Section 1.5.7.A.1. of the Unified Development Ordinance for a six story building and a 5' variance to the maximum encroachment for a cooling tower of 12' as set forth in Section 1.5.7.D.3. for a 2.43 acre parcel zoned Office Mixed Use-7-Parking Limited-Conditional Use and located at 4509 Creedmoor Road.



**4509 Creedmoor Road**

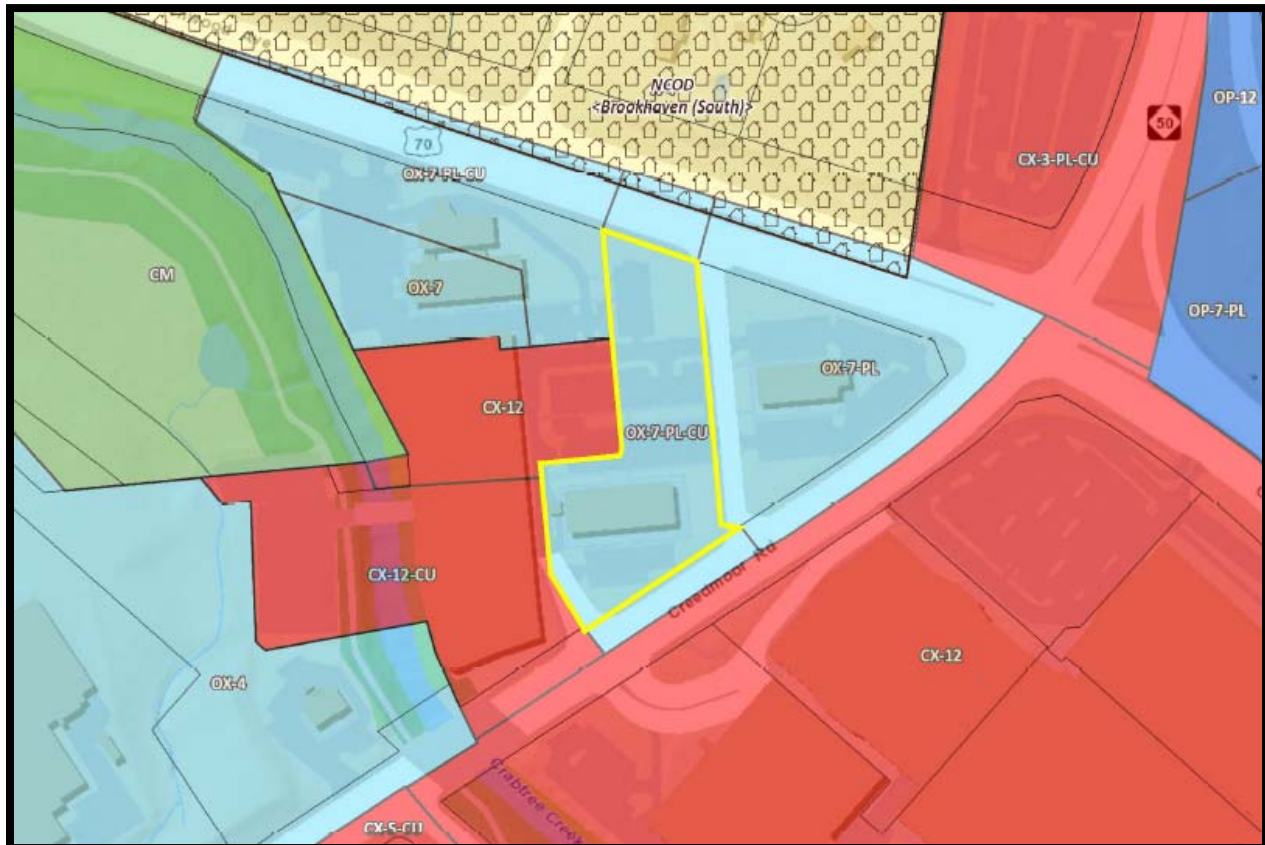
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**To BOA:** 9-11-17

**Staff Coordinator:** Eric S. Hodge, AICP

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**ZONING DISTRICTS:** Office Mixed-Use-7 Parking Limited Conditional Use



### 4509 Creedmoor Road

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

**To Legalize the Existing Structure:**

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

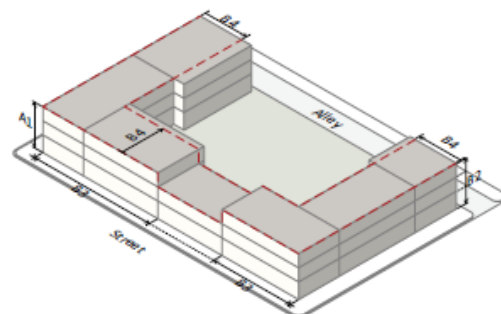
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

## Article 3.3. Height Requirements

### Sec. 3.3.1. Applicability

- A. Each Mixed Use District must include one of the following height designations. The designation establishes the maximum height in stories and feet for each mixed use district. For example, CX-7 has a maximum height limit of 7 stories or 90 feet.
- 3 3 stories / 50 feet max
  - 4 4 stories / 62 feet max
  - 5 5 stories / 75 feet max
  - 7 7 stories / 90 feet max
  - 12 12 stories / 150 feet max
  - 20 20 stories / 250 feet max
  - 40 40 stories / 500 feet max
- B. The height requirements apply to apartments, general buildings, mixed use buildings and civic buildings. Maximum heights for detached house, attached house, townhouse and open lot are set forth in Article 3.2. *Base Dimensional Standards*.
- C. The minimum height requirements apply only to the Urban Frontages. The Urban Frontages include the following: Green, Urban Limited, Urban General and Shopfront. Civic buildings are exempt from the minimum height requirements.

### Sec. 3.3.2. Building Height Standards



District	-3	-4	-5	-7	-12	-20	-40
<b>A. Max Height</b>							
A1 Building height (max stories)	3	4	5	7	12	20	40
A1 Building height (max feet)	50'	62'	75'	90'	150'	250'	500'
<b>B. Min Height (Urban Frontages Only)</b>							
B2 Building height (min stories)	n/a	n/a	n/a	2	2	3	3
B3 Street facing facade at min height (min % of lot width)	n/a	n/a	n/a	75%	75%	75%	75%
B4 Depth of min height from front building facade into lot (min)	n/a	n/a	n/a	30'	45'	60'	60'

### Sec. 1.5.7. Height

#### A. Building Height

1. Building height is measured from average grade in both number of stories and feet to the top of the highest point of a pitched or flat roof, not including a maximum parapet wall encroachment. The maximum height encroachment for a parapet wall is 4 feet for a 3-story building, with 1 additional foot of parapet wall allowed for each additional story thereafter. In no case shall a parapet encroachment be taller than 12 feet.

**D. Height Encroachments**

Any height encroachment not specifically listed is expressly prohibited except where the Planning and Development Officer determines that the encroachment is similar to a permitted encroachment listed below.

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes, bell towers, monuments, water tanks/towers or other similar structures not intended for human occupancy which, by design or function, must exceed the established height limits.

2. The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet:

- a. Chimney, flue or vent stack;
- b. Unenclosed deck, patio or shade structure;
- c. Rooftop garden, landscaping;
- d. Flagpole;
- e. Parapet wall;
- f. Rainwater collection or harvesting system; and
- g. Solar panels, wind turbines.

3. The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet, do not occupy more than 25% of the roof area and are set back at least 10 feet from the edge of the roof:

- a. Amateur communications tower;
- b. Cooling tower;
- c. Elevator penthouse or bulkhead;
- d. Greenhouse;
- e. Mechanical equipment;
- f. Skylights;
- g. Elevator or stairway access to roof; and
- h. Tank designed to hold liquids, except as otherwise permitted.

4. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building except for telecommunication facilities.

# Application for Variance



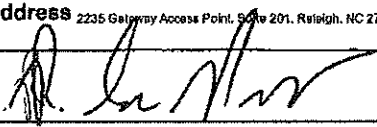

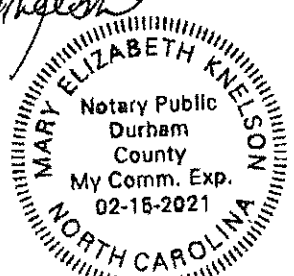
**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): See attached Exhibit A.	Transaction Number  A-120-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

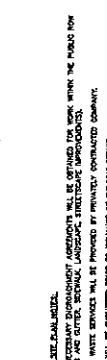
GENERAL INFORMATION		
Property Address <b>4509 Creedmoor Road</b>	Date	
Property PIN <b>0796-31-9800</b>	Current Zoning <b>OX-7-PL-CU</b>	
Nearest Intersection <b>Creedmoor Road and Glenwood Avenue</b>	Property size (in acres) 2.43 acres	
Property Owner <b>East West Partners Management Company, Inc.</b>	Phone	Fax
Owner's Mailing Address <b>1450 Environ Way, Chapel Hill, NC 27517</b>	Email	
Project Contact Person <b>Michael Birch, Attorney</b>	Phone <b>919.645.4317</b>	Fax
Contact Person's Mailing Address <b>2235 Gateway Access Point, Suite 201, Raleigh, NC 27607</b>	Email <b>mbirch@morrisrussell.com</b>	
Property Owner Signature 	Email <b>lerry@emp-nc.com</b>	
Notary Sworn and subscribed before me this <u>7th</u> day of <u>September</u> , 20 <u>17</u>	Notary Signature and Seal  	

### **Exhibit A**

1. Property owner requests a 5-foot variance to the building height maximum of 90 feet set forth in UDO section 3.3.2.A. for property zoned OX-7.
2. Property owner requests a 1-foot variance to the maximum parapet wall encroachment of 7 feet set forth in UDO section 1.5.7.A.1 for a six story building.
3. Property owner requests a 5-foot variance to the maximum encroachment for a cooling tower of 12 feet set forth in UDO section 1.5.7.D.3. for property zoned OX-7.

## SITE PLAN

**Kimley»Horn**

[illegible]

Parking Facility	Available Parking
Surface Parking	624
Parking Deck	50
Bicycle Parking	415
Total Parking Spaces Provided:	

USE	SQUARE FOOTAGE
Restit Service	38,400

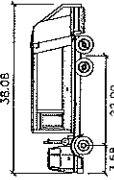
USE	\$F	PARKING REQUIREMENT OF BALL
Setoff	38,400	1 PER 1000-

**Smeal Platform MM 100ft**

feet
Width
Track
Lock to Lock Time
Steering Angle

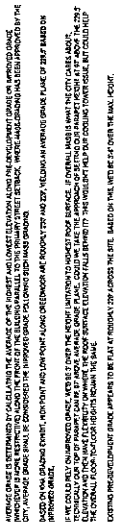
**Rear-Load Garbage Truck**

feet
Width
Track
Lock to Lock Time
Steering Angle



Width	: 8.00	feet
Lock	: 8.00	
Lock to Lock Time	: 6.0	
Rotating Angle	: 27.4	







0796319800  
CRABTREE MOTOR INN INC & BACIK,  
JOHN A  
974 TRINITY RD  
RALEIGH NC 27607-4940

0796319800  
CRABTREE PTNR LLC  
974 TRINITY RD  
RALEIGH NC 27607-4940

0796315688  
CV HOTEL LLC  
2000 WARE BOTTOM SPRING RD  
CHESTER VA 23836-4200

0796325171  
GLEN TREE OFFICE DEVELOPMENT LLC  
1209 PLAINVIEW DR  
RALEIGH NC 27610-1316

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4801 GLENWOOD AVENUE LLC  
73 OLD STONEFIELD WAY  
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